

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSE ANDREU,)
)
)
Plaintiff,)
)
)
v.) Case No. 07 C 06132
)
)
UNITED PARCEL SERVICE, INC.,) Judge Samuel Der-Yeghiayan
)
)
Defendant.) Magistrate Judge Mason

**PLAINTIFF'S AGREED MOTION TO SET A
SUMMARY JUDGMENT BRIEFING SCHEDULE**

Plaintiff, JOSE ANDREU, by and through his attorneys, THE COFFEY LAW OFFICE, P.C., with prior consultation with and agreement of counsel for Defendant United Parcel Service, Inc., Attorney D. Scott Watson with the firm QUARLES & BRADY LLP, respectfully moves this Honorable Court to set a summary judgment briefing schedule, and in support thereof states as follows:

1. On October 30, 2007, Defendant filed a Notice of Removal removing the matter from the Circuit Court of the Eighteenth Judicial District, County of DuPage, Illinois, to this Court.
2. On November 2, 2007, this Court entered its standard new case order setting an initial status hearing for December 19, 2007, and requiring the parties to conduct a Rule 26(f) conference and to file the required initial status reports.
3. This case was originally filed in this Court on January 25, 2007. The original complaint had two counts, namely, a state law, workers' compensation retaliatory

discharge claim, and a claim that Defendant violated the Consolidated Omnibus Budget Reconciliation Act ("COBRA"), 29 U.S.C. § 1161 et seq.

4. Pursuant to a Joint Initial Status Report filed with this Court on April 4, 2007, and several subsequent orders of this Court extending the discovery period, the parties engaged in, and by August 27, 2007, had completed discovery.
5. Pursuant to a Settlement Agreement, the parties, by and through their attorneys, entered into a Stipulation to Voluntary Dismissal of Count II (i.e., the COBRA claim). The fully executed stipulation was filed with this Court on August 30, 2007.
6. On September 28, 2007, this Court entered its Order declining to exercise supplemental jurisdiction over the remaining state law, retaliatory discharge claim, and dismissing the case without prejudice.
7. On October 15, 2007, Plaintiff re-filed the state law retaliatory discharge claim in the Circuit Court of the Eighteenth Judicial District, County of DuPage, Illinois, prompting Defendant's October 30, 2007, removal of this matter to this Court on the basis of diversity jurisdiction.
8. As stated above, the parties have completed discovery, and each seeks to file a summary judgment motion with respect to one or all of other's claims.
9. Counsel for both parties have consulted and are in agreement both with respect to this Motion, and the summary judgment briefing schedule set forth herein.

Wherefore, Plaintiff, JOSE ANDREU, with prior consultation with and agreement of counsel for Defendant United Parcel Service, Inc., respectfully requests that this Honorable Court enter an order as follows:

- A. The parties to file dispositive motions by January 7, 2007.
- B. Responses to dispositive motions, if any, to be filed by January 28, 2008.
- C. Replies, if any, to be filed by February 11, 2008.
- D. This Court's November 2, 2007, order, and the dates set forth therein, is struck.

Respectfully submitted,
Plaintiff, JOSE ANDREU,

By: s/ Timothy J. Coffey
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